

REMARKS

Claims 23-28 are pending in this application.

I. DOUBLE PATENTING REJECTION

Claims 23-28 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11 of U.S. Patent No. 6,255,477. The Examiner asserted that Claims 23-28 would have been obvious from the magnetic particles and method of their use claimed by the patent.

In view of the newly-provided references in the Supplemental Information Disclosure Statement enclosed herewith, while not admitting the relevance of any of the references or that the claims of the above-identified patent application are not patentably distinct from claims 1-11 of U.S. Patent No. 6,255,477, Applicants, upon indication of allowable subject matter after consideration of the additional references, will submit a Terminal Disclaimer under 37 C.F.R. § 1.321(c) of the above-identified application.

CONCLUSION

Applicants respectfully request entry of this reply and consideration of the foregoing remarks.

Respectfully submitted,

Date: November 6, 2003

Samuel B. Abrams 30,605
Samuel B. Abrams
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

By. *Fay P.M.* 44,412
Henny P.W. Reg. No.